



SPD SPECIAL REPORT

Use of Force by Seattle Police Department Officers

Citizen/police encounters resulting in the use of force and in particular the use of deadly force, by police officers can provoke strong reaction in the community. This is as it should be. In a civil and civilized society, the resort to violence, even by duly constituted authority, should give us pause.

Fortunately, incidents involving police use of force are infrequent. Their relative infrequency, however, intensifies their significance as singular events and makes them difficult to interpret and understand. Moreover, the rarefied atmosphere surrounding most police shootings is more suited to examining the dynamics of the circumstances and individuals involved in these incidents, than to drawing larger lessons or conclusions. And any attempt to place these incidents in context, or to "learn from" them, can appear to rob such events of their individual seriousness.

Despite these difficulties, understanding police use of force is fundamental to understanding what it means to live in a free society governed by the rule of law. The purpose of this report is to contribute to community understanding of this important issue by examining use of force by Seattle Police Department officers and placing it in both its historical and national contexts. The report consists of three sections: (1) use of force by police officers across the nation and in SPD, (2) fatal shootings by police officers across the nation from 1990-2000, and by SPD officers from 1980 to present, and (3) use of less lethal force options across the country and in Seattle.

Executive Summary of Findings Contained in Report

Findings Concerning the Police Use of Force

Nationally	Seattle
Nationally, it is estimated that just under 1% of citizen-police contacts involve the use of force.	In Seattle, use of force in police-citizen contacts is even lower than that reported nationally. Only 0.13% of responses to dispatched calls and of the traffic stops and on-view events logged in 2000 resulted in the use of force.
Nationally, police officers tend to use force at the low end of the spectrum, employing hands or fists in 87% of incidents; use of firearms, on the other hand, occurs in 5% of use of force incidents.	For the year 2000, the most common type of force used by Seattle police officers were their hands, reported in about three fourths of use of force incidents. There were nine firearms discharges by Seattle officers in 2000, two of them accidental.

Findings Concerning Police Use of Deadly Force

The Seattle Police Department ranks behind most other large jurisdictions as well as other major city police departments when rates of fatal uses of deadly force are compared using a variety of measures. In particular, SPD is below the median for the thirty two largest, urban law enforcement agencies on the following measures: fatal shootings per 100,000 residents, fatal shootings per 1,000 sworn officers, fatal shootings per 10,000 violent crimes, and fatal shootings per 10,000 arrests for any type of crime.

Findings Concerning Police Use of Less Lethal Force Options

Nationally	Seattle
Nationally, crisis intervention training (i.e., training to defuse and peacefully resolve situations involving persons in crisis) appears to be limited to what officers receive as recruits in their basic training academy, and less often to officers in hostage negotiation or crisis response units.	The Seattle Police Department has a greater investment in crisis intervention training (CIT) for first responding officers. Presently, 185 patrol officers have received 40-hour CIT training and another 200 patrol officers have received 8 hour CIT orientation training in addition to training they receive in the basic academy.
Nationally, chemical agents are the less lethal options most widely distributed to police officers, followed by the 12-gauge shotgun with beanbag rounds, and to less extent, the taser (a device emitting a disabling electrical charge).	The Seattle Police Department conforms to the general practice of other departments in the distribution of chemical agents, but is deploying tasers to more officers than are other agencies and at a level equal to the deployment of the shotgun armed with beanbag rounds.

Use of Force by Police Officers¹

The National Picture – The conclusions of recent national studies and surveys about police use of force are, as follows:

Police use force infrequently. The most recent report by the National Institute of Justice on *Contacts Between Police and the Public*² indicates that while more than 44 million Americans had contact with police officers in 1999, fewer than 1% of these contacts involved the use of force. This confirmed the findings of previous studies in which it was concluded that police use of force is a relatively rare event. Self-reporting by more than 110 police agencies in 1995 as compiled by the International Association of Chiefs of Police, for example, put the use of force rate at about 0.4% of dispatched calls for service.³ A pretest of the Bureau of Justice Statistics study of police/public contacts study found that the threat or actual use of force was present about 1% of the time.⁴

Police use of force typically occurs at the lower end of the force spectrum. In a study of adult custody arrests in six police agencies, Garner and Maxwell found that nearly 98% of arrests were accomplished without the use of a weapon.⁵ When weapons were used, the most likely was a chemical agent used in 1.2% of arrests, followed by flashlights in 0.5% of arrests, and handguns, rifles or shotguns in 0.2%. The IACP study⁶ found that officers used physical force (use of hands) in 87% of the use of force incidents. This was followed by use of chemical agents (i.e., mace, pepper spray, etc.) in 7% of the incidents, and firearms in 5% of the incidents. The 1999 Justice Department survey had similar findings, with citizens reporting that officers used or threatened physical force about 85% of the time, used or threatened with a gun about 20% of the time, and used or threatened chemical agents in about 9.8% of the incidents.⁷

When injuries occur as a result of the police use of force, they are likely to be minor. Consistent with the lower level of force used by police, citizens reported injuries in about 15% of the use of force incidents, with the most likely injuries being bruises or cuts.⁸ Self-reports by police agencies

¹ This paper adopts the definition of “use of force” used by Langan, et. al. (see footnote 2 below), which includes contacts in which the police officer pushed, grabbed, kicked, or hit the citizen by striking with a hand or an object held in the officer’s hand. Also included within this definition are police dog bites, spraying with pepper spray or a chemical, and pointing a firearm in the citizen’s direction. Also included is the threat to carry out any of these types of force.

² See Patrick A. Langan, Lawrence A. Greenfield, Steven K. Smith, Matthew R. Durose, and David J. Levin, *Contacts Between Police and the Public, Findings from the 1999 National Survey*, (Washington, DC: US Department of Justice, NCJ 18457), February 2001.

³ See Mark A. Henriquez, “IACP National Database Project on Police Use of Force,” in *Use of Force by Police, Overview of National and Local Data*, (Washington, DC: US Department of Justice, NCJ 176330), October 1999.

⁴ See Lawrence A. Greenfield, Patrick A. Langan, and Steven K. Smith, “Revising and Fielding the Police-Public Contact Survey,” in *Use of Force by Police*, op. cit.

⁵ See Joel H. Garner and Christopher D. Maxwell, “Measuring the Amount of Force Used By and Against the Police in Six Jurisdictions,” in *Use of Force by Police*, op. cit.

⁶ See Henriquez, op. cit. Finding is based on 1995-97 data.

⁷ See Langan, et. al., op. cit.

⁸ *Ibid.*

put the rate of suspect injuries at 38% of use of force incidents, with just 1.5% of those incidents resulting in injuries described as “major”.⁹

Use of force typically occurs when police are trying to make an arrest and/or conduct a search of a person or vehicle. In the IACP study, arrest-related situations constituted “the vast majority” of use of force incidents.¹⁰ In the Justice Department survey, two thirds of the use of force incidents involved arrests, searches, or handcuffing suspects.¹¹ A study of use of force and suspect resistance in Miami-Dade County found that active resistance to arrest occurred 36% of the time, officer assaults about 25% of the time, and escape attempts about 21% of the time.¹² A majority of the respondents in the Justice Department pilot survey, who reportedly experienced police use of force, conceded that their behaviors may have caused the officers’ response.¹³

The Seattle Story – Use of force reports and reviews of firearms discharges were totaled for the year 2000, to develop information for Seattle police officers that would be comparable to that reported nationally. These data are reported below.¹⁴ As can be seen, Seattle officers use force less often than their counterparts elsewhere, but the types of force and circumstances giving rise to its use show great similarity to national trends and patterns.

Seattle police officers use force very infrequently. Use of force reports in 2000 totaled 617 and firearms discharges amounted to nine (two of which were discounted because they were accidental). At the same time, Seattle police officers had approximately 470,000 police/citizen encounters and effected more than 29,000 arrests.¹⁵ This works out to a rate of one use of force for every 753 dispatched calls, traffic stops, or on-view events to which Seattle patrol officers responded in 2000, and one use of force for every 46 arrests. The vast majority of police-citizen interactions (99.87%) were resolved without use of force in 2000, with only 0.13% of patrol officers’ direct responses to 911 dispatches, traffic stops, and on-view events and just over 2% of all arrests resulting in the use of force.

⁹ See Henriquez, op. cit. Finding based on 1996-97 data.

¹⁰ Ibid.

¹¹ See Langan, et. al., op. cit.

¹² See Geoffrey P. Alpert and Roger G. Dunham, “The Force Factor: Measuring and Assessing Police Use of Force and Suspect Resistance,” in *Use of Force by Police*, op. cit.

¹³ See Greenfield, et. al., op. cit.

¹⁴ Seattle officers and their supervisors are required to complete and submit use of force reports following any use of force incidents in which they are involved. These generally include all uses of force short of firearms discharges, which are subject to a Firearms Review Board procedure. A total of 617 use of force reports and 7 firearms discharges were reviewed for 2000. These are compared with patrol dispatches and logged responses and with total arrest figures, even though some of the use of force incidents may not have involved patrol officers.

¹⁵ The police/citizen encounters used here are 911 calls dispatched to patrol units, and traffic stops and on-view events logged by radio. Arrests are total arrests of adults and juveniles. This is a significant underrepresentation of the number of citizen contacts that Seattle officers had in 2000. For this reason, the Seattle data are not directly comparable to the data in the Bureau of Justice Statistics survey cited above. That survey counted more types of citizen contacts, such as reporting or being a witness to a crime. If similar data were available for Seattle, the use of force rate would be even lower.

Most use of force incidents by Seattle Police officers in 2000 involved force at the low end of the spectrum. As elsewhere, the typical level of force used by Seattle officers was hands, reflected in about 74% of the use of force reports. At the other end of the spectrum, there were nine incidents in 2000 when Seattle police officers discharged firearms, two of which were accidental. The remaining seven discharges represented 1.1% of the use of force incidents.

The most frequent type of injury recorded in use of force incidents in Seattle was abrasions, bruises and scrapes. These are reflected in about a third of the use of force reports. Dental or facial injuries and cuts or lacerations are the next most common injuries reported. Often, suspect injuries were sustained prior to the arrival of police officers and in some instances, were self-inflicted. Several suspects, for example, kicked out the windows of patrol vehicles, sustaining cuts in the process.

Seattle police officers' use of force occurred most often when suspects fought with officers or attempted to flee from them. In about 80% of the reports, suspects either engaged in a fight with officers and/or attempted to flee from them. Compared with fighting or flight behavior, use of a weapon by suspects was reported far less frequently, in just over 3% of the reports.

Seattle police officers' use of force was most likely to occur when effecting an arrest in response to dispatched calls or on-view events. About a third of use of force reports resulted from dispatched calls and another third were in response to on-view events. Only 9% of the use of force reports in 2000 were associated with traffic stops. In terms of the frequency of these officer/citizen encounters, use of force reports were prepared in 0.08% of dispatched calls, in 0.16% of on-view events, and in 0.08% of traffic stops in 2000. Among arrests, assaults and drug violations appeared to generate the most use of force.

Frequently Asked Questions About Police Use of Force –

The public often has questions when subjected to or observing the police use of force. Some of the more common questions are addressed below.

How do officers know how much force to use? Police are in a reactive mode when they use force. To ensure public safety and protect persons and property, officers in Seattle, as elsewhere, are trained to gain control of the situations they encounter as quickly, safely, and effectively as possible. This means using a level of force necessary¹⁶ and reasonable under the circumstances to accomplish their lawful purpose. It is recommended that officers meet force with superior force. This is because studies have shown that officers are at great risk of injury when they use force, and that there is a greater chance of both suspect and officer injury when officers fail to meet

¹⁶ According to RCW 9A.16.010(1) "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

suspect resistance with a greater amount of force.¹⁷ However, since no two situations are likely to be the same, there are no “cookie cutter” guidelines for officers to follow. Instead they are expected to use their training, experience, and judgment in applying force.

In Seattle, police recruits are exposed to a training guideline known as the “Continuum of Force” (attached as Exhibit A). This continuum describes the types of force available to an officer to address escalating types of suspect resistance or assault. Seattle police trainees are given more than 120 hours of scenario-based and simulator training on use of force situations.

Many use of force situations seem to involve multiple officers. Are the police “ganging up” on people they are trying to arrest? Officers are trained to call for back up in use of force situations. This is done to *prevent* an incident from escalating to the point that a greater use of force may be required. In other situations, an officer may seek the guidance of a supervisor on the scene. Though suspects may view the arrival of additional officers as an aggressive action, experience has shown that if an arrest has to be made, it is wise to have additional officers available. Their presence may reduce the need for, and even prevent the use of force.

What should a person do if they feel unnecessary or excessive force is being used on them? The best course of action is to comply with the officer’s directives and seek a timely end to the encounter, noting the time and place of the incident and the officers’ identification. Then, at the earliest opportunity, call the police agency involved and ask to speak with a supervisor to discuss the matter. If unsatisfied with the response, one can file a formal complaint. In Seattle, any supervisor can assist citizens who are concerned about an officer’s behavior. Formal complaints can be made at any precinct or directly with the Investigation Section of the Office of Professional Accountability. Exhibit B provides contact information for reaching police precincts and filing citizen complaints.

¹⁷ See Alpert and Dunham, in *Use of Force by Police*, op. cit.

Police Use of Deadly Force – Fatal Police Shootings

The National Picture – As noted above, use of any type of force by police officers is a relatively rare event, particularly in light of the number of interactions that police officers have with the public. Rarer still are incidents that involve the use of deadly force. Rarest of all are police shootings in which there is a fatality.

A recent series of stories by The Washington Post profiled fatal shootings by police between 1990-2000 in the fifty largest law enforcement agencies in the United States.¹⁸ The data for the profile were drawn from surveys of individual departments, state police agencies, FBI Uniform Crime Report data, and the U.S. Census Bureau. Medians for a series of measures were calculated for the whole group of agencies and the fifty agencies were also ranked against each other on the selected measures. Each of these measures is profiled below, together with the findings of the analysis. A comparison of the data for the thirty-two urban jurisdictions is reported below in the “Seattle story” section.

Fatal shootings per 100,000 residents. The *Post* computed an average number of shootings per year over the eleven-year study period for each agency. However, that statistic can be somewhat misleading, unless total population is taken into account. The New York Police Department, for example, had the highest average of fatal shootings per year (24.1), but when the number of people in the jurisdiction is taken into account, they rank 28th in rate of fatal shootings among the fifty agencies studied.

To adjust for population base, the number of fatal shootings per 100,000 residents was computed. The median for all fifty agencies was 0.36 fatal shootings per year per 100,000 residents. The Washington, D.C. police department recorded the highest rate of fatal shootings over the 1990-2000 time period, averaging 1.53 fatal shootings per year. *Seattle ranked 37th among the fifty agencies studied, with a rate of 0.22 fatal shootings per year per 100,000 population.* West Coast cities with which Seattle is often compared all had higher rates of fatal shootings. For example, Los Angeles ranked 12th with a rate of 0.53, Portland ranked 18th with a rate of 0.45, San Diego ranked 10th with a rate of 0.55, and San Francisco ranked 26th with a rate of 0.37.

Fatal shootings per 1000 sworn officers. In order to adjust for the varying size of police agencies, the *Post* computed a rate of fatal shootings per 1000 officers on a force. The median for all the fifty agencies was 1.45 fatal shootings per year per 1000 officers over the period 1990-2000.

¹⁸ See the four part series by Craig Whitlock and David S. Fallis, Washington Post Staff Writers, *The Washington Post*, July 1 – July 4, 2001. The series focuses on deadly force incidents involving Prince George's County, MD, police officers. The data referred to here are presented in a table in which the fifty largest agencies are compared to Prince George's County. This appeared in the article on Sunday, July 1, 2001.

It was on this measure that Prince George's County (MD), the focus of the *Post* series, stood out, ranking first with a rate of 3.37 fatal shootings per year per 1000 officers. San Diego ranked second, with a rate of 3.27 fatal shootings per 1000 officers, followed by Phoenix at 3.14 fatal shootings, San Bernardino, CA, at 2.75, and Riverside County, CA, rounding out the top five agencies at a rate of 2.73 fatal shootings per 1000 officers. Among West Coast cities, Portland ranked 8th with a rate of 2.41 fatal shootings per 1000 officers, Los Angeles ranked 12th with a rate of 2.19, San Francisco ranked 29th with a rate of 1.35, and *Seattle ranked 36th with a rate of 0.95.*

Fatal shootings per 10,000 violent crimes. The rationale for this measure is that violent crime incidents and suspects are potentially more likely to generate fatal shootings by police than are other types of crime or of police/public interactions. Therefore, in jurisdictions having a large number of violent crimes, police might be expected to encounter potentially dangerous suspects more often, giving rise to a greater number of fatal shootings. The *Post* adjusted for this by computing the rate of fatal shootings per 10,000 reported violent crimes. The median for all fifty agencies on this measure was 3.36 fatal shootings per year per 10,000 violent crimes.

When adjustments are made based on the number of violent crimes in a jurisdiction, the relative rankings of police agencies change. On this measure, San Bernardino County, CA ranks first among the agencies studied, with a rate of 10.01 fatal shootings per year per 10,000 violent crimes. (In other words, San Bernardino has a high rate of fatal shootings relative to the number of violent crimes reported there.) Boston, on the other hand, rates lowest on this measure with a rate of 0.82 fatal shootings per year per 10,000 reported violent crimes. Other high ranking jurisdictions on this measure are Denver, 2nd with a rate of 8.06 fatal shootings, Fairfax County, VA, 3rd with a rate of 6.95, Phoenix, 4th with a rate of 6.69, and Washington, D.C., 5th with a rate of 6.35 fatal shootings per 10,000 reported violent crimes.

Among West Coast cities, San Diego ranks 9th with a rate of 5.86, Los Angeles is 10th with a rate of 5.23, Portland is 35th with a rate of 2.88, San Francisco is 41st with a rate of 2.61, and *Seattle ranks 43rd with a rate of 1.99 fatal shootings per 10,000 reported violent crimes.*

Fatal shootings per 10,000 arrests for all crimes. As noted in the earlier section, use of force incidents are frequently associated with police attempts to effect arrests. To examine this relationship, the *Post* calculated the rate of fatal shootings by each agency relative to the number of arrests made. The median rate for all agencies was 0.60 fatal shootings per 10,000 arrests made.

Relative to the number of arrests made per year, Prince George's County recorded the highest rate of fatal shootings (2.71) among the agencies profiled in the *Post* study. Fairfax County, VA, and King County, WA recorded the lowest rate of fatal shootings per 10,000 arrests made. Other jurisdictions showing high rates of shootings relative to arrests were

Riverside County, CA, ranked 2nd with a rate of 1.98, Harris County, and TX, 3rd with a rate of 1.83, Washington, D.C., 4th with a rate of 1.69, and Los Angeles County, 5th with a rate of 1.68.

Among West Coast agencies, Los Angeles ranked 8th with a rate of 1.15, San Diego, 13th with a rate of 1.01, Portland, 19th with a rate of 0.83, San Francisco, 27th 0.58, and *Seattle, ranked 41st with a rate of 0.34* fatal shootings per 10,000 arrests made each year.

Fatal shootings per 1000 arrests for violent crime. If arrests generally are associated with use of force, it follows that arrests for violent crimes hold a greater potential to produce violent encounters and result in a greater number of fatal police shootings. For the fifty jurisdictions studied, the *Post* computed a rate of fatal shootings per 1000 arrests for violent crimes. The median for all agencies on this measure was 0.94 fatal shootings per year per 1000 violent crime arrests.

Adjusting for the number of arrests for violent crimes, Harris County, TX, had the highest rate of fatal shootings among the fifty agencies studied at 3.47. Boston once again recorded the lowest rate of fatal shootings among the jurisdictions at 0.20 per 1000 violent crime arrests. Boston police appear to experience fewer fatalities relative to the number of arrests they make for violent crimes, than do other large police agencies. Other jurisdictions that recorded high fatality rates relative to violent crime arrests were Houston, ranked 2nd with a rate of 2.76, Phoenix, 3rd with a rate of 2.47, Prince George's County, 4th with a rate of 2.21, and San Antonio, TX, 5th with a rate of 2.15. Among West Coast cities, Portland, ranked 8th with a rate of 2.03, San Diego, 18th with a rate of 1.22, *Seattle, 20th with a rate of 1.15*, Los Angeles, 30th with a rate of 0.84, and San Francisco, 42nd with a rate of 0.59.

The Seattle Story – As the foregoing review of national data indicate, Seattle Police Department ranks below most other large jurisdictions as well as other major West Coast cities when rates of fatal uses of deadly force are compared using a variety of measures.

Among the jurisdictions compared in the Washington Post study were a number of suburban police agencies. These were disaggregated from the data, leaving the experience of thirty-two urban law enforcement agencies to which Seattle could be compared. What was found is that Seattle has for the last decade recorded a lower rate of fatal shootings than many of its peer agencies. The table on the next page illustrates this comparison.

Comparison of Seattle with the Medians for the Fifty Largest Law Enforcement Agencies and for the Thirty Two Largest Urban Police Departments, on Selected Measures concerning Fatal Police Shootings, 1990-2000 (Source: *The Washington Post*, July 2001)

Selected Measure	Median for 50 largest agencies	Median for 32 largest urban agencies*	Measure for Seattle	SPD's ranking relative to 32 urban depts
Fatal shootings per 100,000 residents	0.36	0.44	0.22	28 th of 32
Fatal shootings per 1,000 sworn officers	1.45	2.00	0.95	27 th of 32
Fatal shootings per 10,000 violent crimes	3.36	3.33	1.99	28 th of 32
Fatal shootings per 10,000 arrests for all crimes	0.60	0.98	0.34	27 th of 32
Fatal shootings per 1,000 arrests for violent crimes	0.94	0.62	1.15	14 th of 32

* Data derived from table provided in *Washington Post* series.

This is not to suggest that the fatal shootings that have occurred in Seattle are insignificant or unimportant. On the contrary, each resulted from a unique set of circumstances and in a context that must be analyzed and understood; and each has aroused considerable concerns both within the Department and in the community. For this reason, the Department has conducted debriefings and reviews after each shooting with the aim of determining how each might have been avoided and what can be learned from the incident. The Firearms Review Board is the mechanism used by the Department to review officer uses of firearms in general, and fatal shootings in particular. Included on the Firearms Review Board is a civilian observer, who attends its proceedings but does not vote or participate in its deliberations.¹⁹

Exhibit C and **Exhibit D** provide two different summaries of use of deadly force by Seattle Police Department officers. Exhibit C is a tabular presentation of all officer-involved shootings for the years 1999-2001 through July, showing the date, location, incident number and brief description of the shooting. As the table shows, Seattle police officers discharged a firearm 11 times in 1999, 9 times in 2000, and through July, 7 times in 2001. Two of the discharges this year and in 2000 were accidental ones while the officer was either off-duty or at the Range. In each of the three years, two fatal shootings are shown.

Exhibit D is a tabular summary of all fatal police shootings by Seattle Police Department officers from 1980 to the present. This table provides a

¹⁹ The Firearms Review Board is discussed further at p.12 below.

more detailed look at the circumstances and persons involved in fatal shootings. As this recap clearly illustrates, police shootings occur under widely varying conditions. They present unique situations with dynamics and circumstances that are unlikely to recur. Some characteristics of these shootings are, as follows:

- The table summarizes *a total of 33 fatal police shootings* over a period of 22 years. The most in one year was 6 in 1988. The fewest in one year was zero, recorded in 1986, 1987, 1991, 1994, 1997, and 1998.
- *All of the persons shot by Seattle police officers were male.*
- In all but two of the fatal shooting incidents, the *person was armed with a weapon* or what officers believed to be a weapon, as follows:

Weapons Used by Persons Shot by Seattle Police

<i>Type of Weapon</i>	<i>No of Incidents</i>	<i>% of Incidents</i>
Gun	22	66.66%
Knife	2	6.06%
Knife & Gun	2	6.06%
Mistaken Item	2	6.06%
Other items*	3	9.09%
No weapon	2	6.06%

*Sword, wrench, car.

- Of the 24 incidents where persons were armed with guns, *officers were fired upon 14 times. In 7 of those 14 incidents, officers were shot.*
- The *racial/ethnic description* of persons fatally injured by Seattle police is the following:

Racial Identity of Persons Fatally Injured by Seattle Police

<i>Race of Person</i>	<i>No of Fatalities</i>	<i>% of Fatalities</i>
White	16	48.40%
African American	12	36.30%
Hispanic	2	6.00%
Asian/Pacific Islander	2	6.00%
Native American	1	3.00%

Frequently Asked Questions about Police Use of Deadly Force – Each police shooting raises questions about police use of deadly force in general, as well as the nature and circumstances involved in the incident itself. Some questions are of a recurring nature and are addressed below.

When are police officers authorized to use deadly force? In Washington as elsewhere, police officers are authorized to use a level of force (including deadly force) that is “reasonable” to ensure public safety and to prevent harm

to themselves and others.²⁰ Instead of having a hard and fast standard to apply to every incident, “reasonable force” is typically determined by the facts and circumstances involved in a particular situation. When courts have been asked to review use of force by police officers, they have done so by considering what they call “the totality of the circumstances,” using the perspective of what a “reasonable police officer” would have done in the same situation.

SPD policy (1.145) restricts Seattle police officers’ use of force to the *amount of force necessary* to resolve a situation. However, the manual section goes on to state that this requirement establishes the basis on which use of force incidents will be evaluated and does not create a higher standard than that provided in state law.

Why don’t officers just shoot weapons out of people’s hands or shoot to wound them? Police officers are taught that their paramount duty is to ensure public safety by protecting themselves and others from harm. When confronted by persons who are armed and dangerous, the officers’ goal is to stop these persons before they can harm others. In Seattle as in other law enforcement agencies, officers are trained that the most certain and effective way to stop armed and dangerous assailants is to aim for their “center of mass”. Movies and television programs make it seem that shooting at a person’s arm or leg is easily done. In real life, such a shot is both improbable and risky. Deadly force incidents evolve in seconds, often presenting officers with limited opportunities to intervene. In light of this, officers are trained to take the high percentage shot, which is center of mass.

Why don’t the police fire “warning shots” and give suspects the chance to throw down their weapons? The national standard among police agencies is not to fire warning shots. The Seattle Police Department complies with that standard. The carefully scripted plots of movies and television programs frequently involve armed suspects who appear easily persuaded to relinquish their weapons and surrender to police officers. Unfortunately, many of the people that police officers confront are not nearly so compliant. Some may be incapable of making a rational decision to surrender, because of a mental state or chemically induced condition. Others may have so strong a motivation to flee or fight that they will not consider complying with officers’ orders to stop. As noted above, officers may only have one chance to use their weapons. Making (likely to be ineffective) shots in the air that have the added potential of harming others may not be the best use of that one opportunity.

Often when there has been a police shooting, I hear that the officer has been placed on “administrative duty.” What does that mean? Officers on “administrative duty” remain in a paid status, but are removed from their regular assignments and assigned other duties. Because police shootings are

²⁰ RCW 9A.16.040 provides for the use of deadly force by peace officers in the State of Washington. Section (1) identifies situations (e.g., effecting arrests, preventing escapes, or suppressing a riot) when officers may justifiably use deadly force. Section (2) specifies that in considering the use of deadly force, officers must have probable cause to believe that the person they are confronting has committed a crime inflicting “serious physical harm” or poses a “threat of serious physical harm” to the officer or others.

such rare and significant events, they have a dramatic effect on the officer(s) involved. Officers frequently experience emotional trauma and may be dealing as well with physical injuries associated with the incident. The attendant publicity and/or controversy surrounding such events practically guarantee that their impacts will be both life changing and career shaping for an officer. Administrative duty assignments give officers time to sort things out, understand, and accept the events that occurred. Placing officers on administrative duty also has the practical effect of making them available for internal and external review systems that are set in motion by such events.

In Seattle, administrative duty assignments may include taking crime reports by telephone, performing follow-up duties on found property reports, doing clerical work, or gathering statistics for commanders. There is no set time that an officer may be placed on administrative duty, rather the nature of the circumstances may dictate the course taken by the Department. For all firearms discharges, a Firearms Review Board is convened (see below). If there has been a death, there will also be an inquest proceeding. These processes require the availability of officers for interviews, etc., and the Department may continue an officer's administrative duty assignment until these review procedures are completed.

I've heard different opinions about the Firearms Review Board and the inquest process here in Seattle. How do these work and why don't people like them? Each of these procedures is distinct and will be addressed separately. The Firearms Review Board (FRB) is an internal SPD mechanism designed to review any discharge of a firearm (even accidental) by a Seattle police officer. Chaired by an Assistant Chief, an FRB is composed of a captain and a lieutenant from outside the unit or precinct to which the officer is assigned and the commander of or a representative from the Training Section. A citizen observer and a bargaining unit representative observe the activities of the FRB, but do not vote or participate in its deliberations. The FRB is convened within 14 days of an incident, unless special circumstances dictate otherwise. If an inquest is scheduled, Department policy has been to delay the FRB's final recommendations until that process is completed. The purpose of the FRB is to make a factual determination of whether an officer's actions conformed to Department policy and regulations, training guidelines, and applicable law. Based upon its findings the FRB may recommend to the Chief of Police further action and/or make referrals for further investigation.

The inquest is a process established under state law to review the facts and circumstances surrounding an officer-involved death. Inquests are administered at the county level. In King County, the County Executive calls for an inquest upon recommendation of the Prosecuting Attorney. A District Court judge presides over the inquest, which is an open, public proceeding. Parties participating in the inquest include the Prosecuting Attorney or designee, the family of the deceased who may be represented by an attorney, and the officer(s) involved in the death, who may also have an attorney(s) present. The inquest jurors are drawn from the Superior Court jury pool. The jury is charged with determining the identity of the decedent, when, where, and by what means the death occurred, and the circumstances attending the death.

The jury does this by answering a series of yes/no questions provided by the Court. The Court transmits the jury's responses (i.e., their findings) to the County Executive.

Public dissatisfaction with the FRB and the inquest process usually stems from a misunderstanding of the purpose and function of these proceedings. Neither process is designed to determine guilt or innocence, to establish civil or criminal liability, or to say whether what happened was "right or wrong." Instead both procedures focus on a *factual documentation/review* of the circumstances involved. The FRB compares the actions taken by officers to Department policies, procedures and guidelines to determine whether their actions were in compliance. The inquest proceeding documents who died, how, when, and where the death occurred, and an officer's involvement in that death. Questions of criminal or civil liability need to be resolved in other proceedings.

Less Lethal Force Options

The National Picture – A decade ago only a small number of law enforcement agencies had well-developed less-lethal options programs. A major reference work produced by the Police Executive Research Forum in 1992²¹, for example, cited the statistics from and the activities of the New York Police Department, Kansas City, Los Angeles, and the Los Angeles Sheriff's Office as illustrative of less lethal weapons programs at the local level²². Since that time, police interest in less lethal weapons has continued to grow and the technologies involved in these options have improved.

When Seattle Police Department was exploring its less lethal options, a survey of twenty-three regional and national agencies was conducted. Agencies were asked about the various aspects of their less lethal options programs. Some of the survey findings are summarized below.

- *Crisis intervention training* (CIT) is designed to equip officers to deal effectively with mentally ill persons, suicides, and other persons in crisis. In most agencies (14 of the 23), such training is limited to a few hours in the basic training academy. Two of the departments provide all officers with 40 hours of such training. The rest provide this training only to selected officers who are designated as CIT officers or hostage negotiators.
- In the area of *chemical agents*, all the agencies surveyed make OC (i.e. pepper) spray available to officers. Use of the pepperball device is more limited, with seven agencies reportedly testing and evaluating its use by specially trained units.
- *Less lethal weapons* are deployed in patrol by 17 of the agencies surveyed, but usually only to designated officers (15 of the 17). In eight of the agencies, patrol supervisors carry less lethal weapons and issue them to officers for deployment under appropriate circumstances.
- The 12-gauge *shotgun with beanbag rounds* is the less lethal weapon deployed most often, with 12 agencies reporting its deployment to all patrol officers and another seven deploying it to specialized units. Twelve agencies reported use of 37mm batons and beanbag rounds, all within special response units. Eight agencies reported use of tasers, devices capable of delivering disabling electrical charges.

²¹ See William A. Geller and Michael S. Scott, *Deadly Force – What We Know: A Practitioner's Reference on Police-Involved Shootings*, (Washington, D.C.: PERF, 1992).

²² *Ibid.*, at pp. 358-398.

Other sources of information on the use of the less lethal weapons include the National Tactical Officers Association (NTOA), a professional association of special response or special weapons units, and equipment manufacturers themselves. Taser International, the maker of the M26 taser, for example, reports over 500 law enforcement agencies now using their products.

The Seattle Story – Like most large law enforcement agencies, Seattle Police Department has embarked on a program to equip officers with less lethal alternatives to the use of deadly force. An internal study group, called the Force Options Research Group (FORG), was created to develop the Department's program. At the same time, a Community Workgroup on Less Lethal Options was also convened, to provide a citizen perspective on the use of such options. Both the FORG²³ and the Citizens Workgroup²⁴ recommendations were presented to the Mayor and Council in September 2000 and resulted in support for an SPD program to be implemented in 2001 and 2002. Major components of the SPD Less Lethal Options Program include the following:

Expanded Crisis Intervention Training in Patrol. The Department committed to expanding the number of patrol officers being trained and certified as CIT officers. Through a 40-hour training class, CIT officers learn advanced communication and crisis intervention skills. They are then called to scenes where people are in mental or emotional crisis and attempt to defuse the situation without resort to use of force. The goal is to have a cadre of 200 officers with CIT training in Patrol at any time. The Department has also embarked on a briefer CIT orientation course for all patrol personnel, designed to give them basic communications tools for use with persons in crisis, and annual refresher training for all current CIT officers. To date, the following has been accomplished:

- *An additional 75 officers in Patrol have received CIT training, with another class of 23 being planned in October 2001. This will bring the number of CIT officers in Patrol to 185.*
- *More than 200 Patrol officers have received the 8-hour CIT orientation training.*
- *Two in-service refresher and skill building courses have been held for current CIT officers.*

Patrol deployment of the M26 Taser. The M26 Taser is a new device. It projects two prongs via copper wires, which deliver 26 watts of electricity at over 50,000 volts. The resultant charge overrides sensory and large motor functions,

²³ See the SPD Force Options Research Group (FORG), *A Less Lethal Options Program for Seattle Police Department, A Report with Recommendations*, September 2000. The report is accessible via the Seattle Police Department website at www.cityofseattle.net/police under "Overview of SPD" or at the City of Seattle website at <http://www.cityofseattle.net/police/images/forg.htm>

²⁴ See the citizens' report, *Less Lethal Weapons Options – Community Workgroup Recommendations*, September 20, 2000. This report is accessible via the City of Seattle website at <http://www.cityofseattle.net/police/images/LessLethal92000.htm>

allowing officers to gain rapid compliance from subjects without resulting in injury or lasting effects on subjects. The effective range is distances up to 21 feet. The Department received funding to deploy 130 tasers in Patrol Operations with the goal of having at least one taser officer per patrol sector squad, per watch, on a 24/7 basis. To date, about half of the tasers have been deployed, with the rest to be deployed before the end of 2001.

The Department has been carefully monitoring taser use since the first devices were deployed in December 2000. Feedback from officers in the field has led to changes in the training classes and orientation on the taser has been provided to other officers so they know what to expect when a taser officer is called to a scene. A preliminary review of 37 taser uses through early May 2001 yielded the following information:

- *Types of Incidents.* While tasers were used in a wide variety of incidents, the largest categories were assaults, mental illness cases, and drug sales. These are typically the types of incidents where police use of force generally occurs.
- *Characteristics of Subjects.* In only two incidents were the subjects female, all other taser subjects were male. Many of the subjects were in highly intoxicated or disturbed states and totally non-compliant with officers and/or paramedics who were trying to help them or resolve the situation. The racial background of the male subjects was 55% white, 34% African American, and 10% Asian/Pacific Islander.
- *Injuries sustained.* As a precaution, Department protocols call for emergency medical personnel to be called to the scene of every taser deployment. In only seven cases were injuries to subjects reported and these consisted primarily of superficial marks or welts. Generally, subjects were cleared for booking either at the scene or at the hospital where they had been treated. The only subjects admitted to the hospital were those involuntarily committed for mental health evaluation. Officers were reported injured in two cases.

Patrol deployment of less lethal shotguns with beanbag rounds. A second less lethal weapon being deployed by Seattle Police Department is a less lethal shotgun with beanbag rounds. These rounds are designed to stop assailants from distances of 20-50 feet and have less potential for fatal injury than regular munitions. The Department has been funded to deploy 130 less lethal shotguns in Patrol Operations. They will be deployed before the end of 2001. Two thirds will be assigned to individual officers. The remaining third will be placed in sergeants' and watch commanders' vehicles, for use by officers with the appropriate training and certification. The goal is to have one qualified less lethal shotgun officer per patrol sector squad and to have patrol supervisors' vehicles equipped with less lethal shotgun kits.

Frequently Asked Questions About Less Lethal Force –

Though less lethal options are relatively new and rapidly evolving, there are already many public misconceptions about them. Some of the most common questions are addressed below.

Why are the weapons called “less lethal?” Are they lethal or not?

There is no such thing as a “non-lethal” weapon. Even a child’s toy can prove lethal under certain circumstances. So called “less lethal” weapons are given this designation because they are *less likely to result in death* or serious injury than are deadly weapons. However, there will always be the possibility for injury or lethal outcomes, and this must be recognized.

If officers have less lethal weapons, are they required to use them first before they resort to deadly force? The paramount duty of police officers to protect themselves and the public does not change because of the deployment of less lethal options. These options do not constitute “first steps” in some progression of responses, nor are officers required to employ or exhaust all less lethal options before resorting to deadly force. Instead officers at a scene will continue to exercise their best judgment in using reasonable force, and will not be expected to deploy less lethal options when such deployment is neither appropriate nor likely to be effective. Furthermore, it is important to recognize that the capacity to use less lethal options safely is dependent upon the ready availability of lethal force as protection and back up. Officers with tasers or with crisis intervention skills, for example, can only use them safely when other officers are in a position to support and protect them.

If officers have less lethal weapons, why do I hear about people still getting shot? The Department’s less lethal options program is resulting in a *limited deployment* of officers who have received specialized training to use less lethal weapons and crisis intervention skills. When completed, the initial deployment will result in about 50% of officers in Patrol Operations being trained and equipped with some form of less lethal option. While the goal is to provide coverage with these options throughout the city on a 24/7 basis, there is no guarantee that an officer, trained and equipped with a less lethal option, will always be available. In addition, situational dynamics – in particular the timing and volatility of an incident – will dictate the response of officers. A high risk, rapidly evolving situation will not lend itself to the application of a broad range of response options, even if some of these options happen to be available.

Exhibit A – Continuum of Force Training Guideline used by the Seattle Police Department.

Exhibit B – Seattle Police Department Contact Information for discussing officer conduct with supervisors or for filing citizen complaints.

Exhibit C – SPD Officer-Involved Shootings 1999 – July 2001.

Exhibit D – Recap of Fatality Shootings by SPD Officers 1980 – July 2001.